

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

CARLOS ZELAYA, RUTH ZELAYA, BY HER GUARDIAN AD LITEM CARLOS ZELAYA, AND CARLOS ZELAYA AS ADMINISTRATOR AD PROSEQUENDUM OF THE ESTATE OF JOSE CARLO ZELAYA	Civil Action : Case No. 08CV2933 (AJP)(LMM)
Plaintiffs	:
vs.	:
MADISON SQUARE GARDEN, L.P., 247 W. 37TH STREET LLC LLC I/S/H/A STITCH BAR & LOUNGE INC., AND KEVIN FREIBOTT	:
Defendants	:

PLAINTIFF'S MOTION TO FILE AND SERVE A SECOND AMENDED COMPLAINT

PLEASE TAKE NOTICE that Plaintiff hereby moves this Court at the United States Courthouse at 500 Pearl Street, New York, New York, for an Order authorizing Plaintiff to file and serve a Second Amended Complaint to substitute Carlos Zelaya, Administrator Ad Prosequendum of the Estate of Ruth Zelaya in place of ruth Zelaya, and to add a cause of action for survivorship on behalf of the Estate of Ruth Zelaya.

Plaintiffs rely on the grounds stated in the accompanying Declaration and Memorandum of Law in Support of Plaintiff's motion to file and serve a Second Amended Complaint.

Dated: New York, New York
June 15, 2010

Respectfully submitted,

DAVIS, SAPERSTEIN & SALOMON, P.C.
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BY: _____

Terrence Smith